

REMARKS/ARGUMENTS

The Abstract has been amended as required by the Examiner.

Claims 1 through 3 have been canceled and replaced by new claims 4 through 12.

With respect to the obviousness objection of the original claims, the Examiner relied upon four different patents to support obviousness of the invention. Only one of the patents is directed toward a bale processor. As noted by the Examiner, the fork lift disclosed in that patent (Hruska - U.S. 6,199,781) is not adjustable. Further, the fork lift disclosed in that specification does not include a "bale carrier" as disclosed in the present application and included in all of the new claims.

The Examiner, claiming that fork lifts with a variety of adjustable features are routine and well known in the art, cites two patents (Sanderson and Ronnblom) in support of that statement. The Examiner refers to those patents as coming from closely related art pertinent to the problem. However, both patents disclose stand-alone fork lifts of the conventional type and not a fork lift on the back of a bale processor. Further, the patent relied upon to show adjustable length of fork lifts (Sanderson) is directed toward a fork lift particularly adapted for lifting and stacking palletized material. As opposed to teaching adjustable length forks, the patent teaches the use of forks that may be longitudinally retracted in order to facilitate easy disengagement and stacking of pallets by the fork lift. Length adjustability to facilitate different sizes and configurations of any product, let alone bales, is not taught by Sanderson. Further, Sanderson teaches a solution to problems encountered in unloading pallets from a fork lift, a problem that is not germane to the invention of the present application wherein the unloading is accomplished through flipping the bales into the receptacle.

With respect to the bale carrier, the Examiner relies on Raben (U.S. 5,562,392) which the Examiner again states is in closely related art. However, Raben, in fact, discloses a tire stacking device. Further, the device does not act as a fork lift, but instead is adapted to facilitate stacking of truck tires by providing a stacking device with a frame adapted to be lifted from a horizontal position to a vertical position by a lift truck. Tires are manually placed on the frame in its horizontal position. The frame includes a pair of forks, but the forks are not used for lifting, instead simply providing a lateral support structure to retain tires on the frame as it is moved and

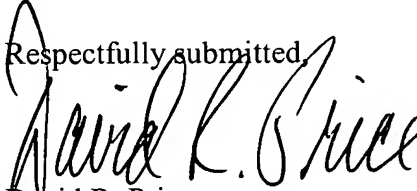
retained in its vertical position. There is no teaching by Raben of any operation analogous to sliding forks under a stationary bale, lifting it and flipping it into a processing tub as in the case of the present invention. Nevertheless, the Examiner relies on Raben as disclosing a fork lift with a material carrier extending inwardly toward the opposing forks. The Examiner refers to reference number 216 which may be found on Figure 10 which is discussed in the lower half of column 8 and upper portion of column 9.

It is respectfully submitted that the teaching of "support surfaces 216" in Raben, does not disclose or in any way teach toward the bale carrier 129 disclosed in the present application. As is evident from the drawings, the bale carriers 129 have a lower profile than the forks 121. That combined with the adjustability in respect of the spacing of the forks is adapted to provide for easy insertion of the bale carrier under a square bale located on a planar surface. Further, the bale carriers 129 are adapted to engage and support the bale as it is lifted onto the apparatus as opposed to the support elements 216 in Raben which are adapted to support the tires already placed on the stacking rack as the orientation thereof is changed.

In summary, the present application discloses a bale processor fork lift specifically adapted to provide versatility in the context of the task at hand, namely the ability to engage and lift different sizes of square bales and round bales into the bale processor.

An additional element is the bale spear specified in claim 12. None of the prior art cited discloses or teaches toward the use of such an element.

In view of the foregoing, entry of the above amendment and allowance of claims 4 through 12 are respectfully requested.

Respectfully submitted,

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